

Draft Minutes

Amherst Charter Commission

Jan 19, 2017, 7:15 - 9:45, Community Room - Amherst Police Station

Attending: Gerry Weiss, Diana Stein, Nick Grabbe, Andy Churchill, Julia Rueschemeyer, Mandi Jo Hanneke, Tom Fricke

Absent: Irv Rhodes

Agenda

1. Call to order, approve agenda, approve minutes
2. Revisit minutes process
3. Discuss improvements to Town Meeting-based model
4. Public comment
5. Compare improved Town Meeting-based model to Council-based model (if time permits)
6. Plan for upcoming meetings
7. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
8. Adjourn

1. agenda review

2. approval of minutes as amended by Hanneke

3. discussion of minute taking

- it is too tasking for commissioners to take complete minutes AND fully participate in discussion
- Churchill and Hanneke will see if Town Manager has any resources for minute taking
- in the short term we can pay our communications staffer to take minutes—it would take a lot of time at the hourly rate, however.
- a volunteer not on the commission might be a solution, but could be tough to find someone to take that on
- very short term - Fricke will take minutes tonight

4. discussion of possible improvements to Town Meeting form

Churchill - first part of a two step process - first seeking Commission consensus on best possibilities in town meeting form and then comparing that best town meeting to the best council/mayor form we have already begun to elaborate

Rueschemeyer - instead we might work on minority report alternative so that we can present two concrete models to public at listening sessions - this might be very different from the Town Meeting improvements that all 9 Commissioners would be most willing to adopt - for example, the participation of women in town meeting at ca. 50% is strong pull toward a 240 person form. Women are underrepresented in councils.

Hanneke - concerned about using limited time to develop two plans and not developing a full commission perspective

Grabbe - let's go through the two step process and see what emerges

Stein - we've been working in good faith on the best plan that the majority can present even if it isn't ultimately what individual commissioners think best for the town

Churchill - let's focus on pathway toward a complete proposal by July - tonight each to share thoughts on best Town Meeting form - each Commissioner to present key elements/thoughts on Town Meeting

Weiss

- input from listening sessions and emails hasn't been discussed by the Commission as a group - that's a mistake on our part - residents are likely to feel like they don't know what we did with their input

- [referring to memo] Brookline Town Meeting a good place to start - what are they doing right? each town meeting lasts 3 sessions at most, spoke with Sandy Gadsby who has been Moderator for 22 years - apparently Brookline has no charter, so rules are bylaws including: no motions from the floor, all motions and amendments submitted 24 hours before session, discussions don't need to go on and on - adopting similar provisions and respect for Moderator could save Town Meeting

Weiss - would prefer a TM of 200 but willing to consider 160 if it would bring the Commission together.

Gage - Brookline's population is much larger

Hanneke - visited Brookline Town Meeting as part of study group - saw good things - but how much of Brookline's success is charter and how much is culture?

Weiss - fixing Town Meeting isn't just about charter, it's about culture too

Stein - would need to change charter to change size of our Town Meeting

Weiss - change would be partly charter, partly a split job with Town Meeting Coordinating Committee

Gage - charter proposals have elements like preamble, transition provisions - cultural and attitude ambitions could be included there

Stein

- also looked at Brookline - confirm that there is no charter - talked to Town Clerk

- since 1915 - Mass' oldest representative Town meeting

- moderator prepares a speakers list with pro/con speakers and takes few questions from the floor
- anyone can call the question from the floor without being called on

- strong select board has appointing authority over committees, boards, commissions and department heads [referred to an organizational chart], and appoints the town administrator who prepares budget, but select board guides hiring

- such a model could preserve professional town manager which is very important - professional qualifications and experiences are crucial—read ad for a town manager that emphasized training and long experience.

- Town Meeting Advisory Committee model also an attractive option - 20-30 citizens, representative of every precinct, selected by Moderator - instead of Amherst's 7 person finance committee - comment and advice Town Meeting on every article

- would consider coming down from 240, but not eager to

- 3-4 meetings a year could be helpful

- precinct meetings need a new model - Neighborhood Councils - with discussion of issues, communication with constituents

- a much stronger Select Board - with First Selectman working directly with Town Manager if possible
- a less abbreviated warrant process with more deliberation

Grabbe

- made honest fair effort to improve Town Meeting form even though not first choice
- [reading from memo] BEST TOWN MEETING
 - 60 or 90 members
 - Zoning handled by separate commission
 - Participatory budgeting
 - Annual community dialogue
 - Director of community engagement
 - Town Meeting meets 3-4 times a year
 - Moderator sets time limit for articles; members can exceed limit only with 2/3 vote
 - Members calling what moderator deems fake points of order forfeit right to vote on that article
 - Moderator enforces time limits for speakers
 - All motions must be presented 24 hours beforehand
 - League of Women Voters is encouraged to ask multiple issue-oriented questions of candidates and to promulgate their answers widely
 - Members who miss x meetings in a year forfeit their seats
 - Members have to declare conflicts of interest and refrain from voting when articles would impact their personal financial interests
- BEST SELECT BOARD/MANAGER
 - Strengthen SB's responsibility for setting priorities
 - Town manager supervises employees, proposes budget, etc.
 - SB supervises manager with daily phone/email conversations
 - Manager writes weekly email updating residents
 - Director of community engagement recruits SB candidates
- VALUES/PRIORITIES BENEFITS
 - More competitive elections
 - Ease of access for multiple points of view
 - Incubator of civic involvement
 - More nimble than meeting twice a year
- VALUES/PRIORITIES TRADE-OFFS
 - Participation is reduced from where it is now
 - There's still no clear voice advocating for Amherst
 - Select Board gets discouraged if its priorities are overruled by Town Meeting
 - No assurance Town Meeting will be representative demographically
 - Only slightly more effective and deliberative than currently
 - Manager has large responsibility but little accountability
 - Still lots of office-holders for voters to keep track of
 - Difficult to educate large group of volunteer Town Meeting members on complex issues
 - Still government by those with time on their hands and high name recognition
 - Little reason to believe that voter participation won't continue to be very low
- on the whole, advantages of best Town Meeting are slight relative to current model and advantages offered by council/mayor

Weiss - "fake points of order" are not fake to speakers

Grabbe - but moderator has named the problem

Weiss - feel like this discussion process has not been evenhanded - I was interrupted several times and I was not finished speaking - what Mr. Grabbe has done was no different than what I was doing while being constantly interrupted.

Churchill

- centering on values generated by listening sessions
 - looking for deliberative structure to deal with big challenges for town
 - a representative form versus participatory form under which voting feels irrelevant, a problem with Select Board that is too diffuse and takes too little direction from voters, a problem with it being too easy to halt policy and too hard to move issues forward
 - much smaller Meeting – 30 members – towards representation and deliberative, meeting 3-4 times per year, taking agenda from Select Board, votes recorded by name, public list serve, precinct councils, budget approval role, ratify the master plan for zoning/planning, align citizen committees and town departments so clear how advice/communication are flowing
 - Select Board - policy board responsible for town direction, separate licensing board, approve manager's appointments, annual public hearings
 - Manager - leads budgeting with citizen input (including participatory budgeting building on CPAC format), develop and maintain master plan (which Town Meeting needs to ratify)
- [reading from memo] Benefits
- Variety of types of citizen participation
 - TM of 30 and more frequent meetings = more deliberative and nimble than currently
 - Ability for voters to know what their representatives are up to
 - Ability to vote reps out if not satisfied – more representative than currently
 - More interaction between TM members and non-member citizens possible
 - Greater expectation of strategic, policy role for SB
 - Check on executive branch and insiders – forces good practices in defending budgets and policies
 - Manager insulated from politics, brings professional management expertise
 - Elections small enough in scope not to be big money

Trade Offs

A great deal of clunkiness still remains

- Unlikely to please those who want to keep TM or those who want a council form
 - Executive branch still diffuse – who's in charge, what's the vision questions likely to persist
 - Multiple elections of executive board unlikely to yield clear direction from voters
 - 30-person volunteer legislature is still too large and doesn't meet regularly enough to be truly deliberative or to develop expertise
 - Legislature can't set its own agenda; unwieldy warrant process remains
 - Manager is insulated from voter accountability – hard to get rid of if unhappy
 - Less clout at state level than with mayor
 - Risk of inertia, diffusion, not solving problems
- overall - a Town Meeting form with some of the features of a council form - maintains risk of inertia and not solving big problems

Gage

- focus on problems and solutions for current model
- rancor - keep Town Meeting - less of a winner/loser outcome, more direct participation

- housing market - need leadership with long term vision not pursuit of short term popularity
- slow - meet 4 times a year
- zoning - a Town Meeting subcommittee model - more participatory than current committee based system
- diffuse executive - focus on operations and town wide priorities, a more powerful chair taking on role of face of town in negotiations
- meetings too long and infrequent to be responsive - strengthen moderator's hand, increase communication between Town Meeting and townspeople - 5 neighborhood councils (inspired by Cambridge) - beyond Town Meeting business, access to town employees, meeting regularly with elected leadership - place for accountability
- provide public access to decision making before decisions are made and such that decisions are "influenced"

Rueschemeyer

- 240 is best - sounding board will then have most diverse views/voices, ease of participation is crucial benefit
- problems mostly on executive side - strengthened select board with 1 designated seat with more authority and accountability to voters
- Town Meetings are much stronger statistically for female participation than city councils in Mass
- Churchill - Amherst Select Board seems pretty gender balanced
- Rueschemeyer - still worrying as a feature of councils

Hanneke

- committed to best proposal acceptable to majority of commission regardless of Town Meeting or Council
- two ideas in tension - participation and deliberation
- for participation, open town meeting would be best - 240 is not open, issues would spike attendance at OTM, standing committees could hold deliberative functions
- for deliberation, small town meeting would be beset - 40-60 - elected simultaneously, 4 warrants per year
- zoning needs a stronger executive, but town model will not let us be too creative - see Collins Center memo on state law and previous rulings
- propose a 5 member select board- licensing function spun off, Town Manager with administrative authority subject to override by unanimous Select Board, Select Board role appointing, policy, master plan approval

Rueschemeyer - why can't large Town Meeting be deliberative?

Hanneke - too big for back and forth to be inclusive, warrant set outside Town Meeting - not designed to be deliberative - even Brookline secures efficiency at cost of limiting deliberation

Fricke

- similar insights to other Commissioners - the central tension is between participation and representation
- best Town Meeting would encourage voter participation - 50 members for competitive elections and voter ability to track representatives - large models discourage voter accountability
- 50 signatures for getting on ballot
- encourage a heavy investment in citizen participation - community engagement officer to recruit/educate candidates, regular opportunities for voters to engage TM members, Neighborhood Councils - to maximize participation and diversity

- Select Board - best is less diffuse, so 3 members, reduced possibility of mixed messages to Town Manager
- even small Town Meeting preserves powerful check on developers or special interests
- primary benefit to small model is accountability to voters

5. Public Comment

Margaret Masterangelo (sp?)

- rarely attends public meetings, thinks increasing voter participation is important
- heartened by Brookline successes
- would participate Neighborhood Councils but not giant Town Meeting - not enthusiastic about Mayor/Council

Maurianne Adams

- appreciate serious attention to Town Meeting models
- Commission's task not an alternative to current government but to study and recommend best form of government
- worrying about whether improvements are undertaken by Charter or other means is misplaced - first decide what you want then worry about how to achieve it
- would like to see 2 best models presented to public hearings
- Town Meeting Coordinating Committee will be recommending something like Brookline's Advisory Committee - deliberation by a smaller part of Town Meeting, also taking up reforms to precinct meetings to encourage candidates to speak on issues
- likes the conflict of interest declaration idea

Matthew Charity

- benefit of Town Meeting is voices not otherwise heard
- large volunteer participation in committees is great, committees also benefit from good tough questions posed by outsiders at Town Meeting - often very good suggestions
- shrinking size would run risk of drawing out process and expecting all members to be as expert as committee volunteers - it would take money for participants to make such intense community service plausible

Chris Riddle - thanks to Commission for time spent on Town Meeting discussion

Michael Greenbaum

- participatory vs. representative analysis is useful
- besides women, should pay attention to other groups that could be left out of council form
- glory of Town Meeting is fair chance for anyone to participate versus risk of intimidating the shy or cultural outsiders
- ideal is majority and minorities in one place
- beware of accountability - can be intimidating, mayor can be a "scapegoat in chief" - need independence from majority, limited accountability
- charter can include whatever we choose, don't get hung up on whether goals are charter goals

Kitty Axelson-Berry

- urge further exploration of Town Meeting
- support 240 member size, Neighborhood Councils, Advisory Committee within Town Meeting, strong Select Board with titular head, priority to planning

- Town Meeting member votes are currently available, but system is awkward - can be fixed
- diversity in town government outside Town Meeting is discouragingly low - attend to renters, young, abilities, women, people of color - we're not getting diversity now
- look for reforms to help Town Meeting communicate at precinct level

Ted Parker - schedule puts Commission under the gun - don't have time for two plans in parallel - keep to timeline for serious task and keep going

Marcie Sclove

- Commission's charge is to establish and define government - doesn't need to be an alternative to Town Meeting - felt like people signing Charter petition were misled
- an Open Town Meeting legend - Amherst had one but it was not representative, was easy to pack the meeting with one-issue voters aligned with interest groups
- in her experience, lots of deliberation in warrant review, cafes, visits with neighbors - a ripple effect involves many formally and informally - should be appreciated

Stephanie O'Keefe

- repeated success of Charter petitions reflects significant dissatisfaction with Town Meeting
- tweaking Town Meeting is a job for Town Meeting Coordinating Committee
- would like more discussion of values and how they attach to models
- Neighborhood Councils idea would go great with Mayor/Council model but would diffuse and confuse Town Meeting model
- stronger Select Board is problematic - dealing with sensitive issues in Open Meeting format doesn't work well - particularly in context of negotiating - impractical and ineffective - would erase dignity of public employees to be evaluated in public meetings
- women in government elsewhere in the state - those figures are not good predictors for Amherst
- we've been well ahead there for years

Walter Wolnik - spoke about email he'd sent to Clerk and Chair (in anticipation of the Revisit Minutes Process agenda item, expressing disappointment with how his January 5th public comment was described in the 5th's Minutes), and offered a couple of suggestions, including proactively emailing Clerk his own brief summary of any future public comment by him.

Dick Bentley

- can Commission offer voters 3-4 models to vote on?
- Churchill - no, law requires one recommendation to voters
- Bentley - strong mayor/council/town meeting model paralleled at national level by president/senate/house functions - can we consider that? a bi-cameral town meeting? [similar to last charter proposal]

6. Planning

- discussion of need to head in a direction together and narrow Town Meeting model for comparison - ultimately see if any Commissioner wants to switch position on last vote to develop Council/Mayor model
- we'll use part of 1/25 meeting and go on to a pre-Town Meeting vote on 1/30 if necessary - meet at 6:30 on 1/25

Stein - Brookline speakers' list is not end of their deliberative process, also issue can be referred back to Select Board at end of session and does not have to die or pass in Town Meeting

Churchill - send any questions you have for next week's guests [Michael Sullivan and David Narkewicz] in advance